

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON W. MC KILLIP,

Defendant.

8:04CR521
8:12CR35

ORDER

Defendant Jason W. McKillip (McKillip) appeared before the court on June 20 , 2012, on the Petitions for Warrant or Summons for Offender Under Supervision (Petitions) (Filing No. 46 - 8:04CR521 and Filing No. 2 - 8:12CR35). McKillip was represented by Assistant Federal Public Defender Karen M. Shanahan and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, McKillip waived his right to a probable cause hearing on the Petitions pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petitions allege probable cause and that McKillip should be held to answer for a final dispositional hearing before Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, McKillip declined to present any evidence or request a hearing on the issue of detention. Since it is McKillip's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds McKillip has failed to carry his burden and that McKillip should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:30 a.m. on July 27, 2012.** Defendant must be present in person.

2. Defendant Jason W. McKillip is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 21st day of June, 2012.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge